

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, December 1, 2004
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Council Members:

Chairman Les Matsumura
Vice-Chairman Russ Wall
Council Member Bud Catlin
Council Member Morris Pratt
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Don Adams, Economic Development Dir.
Mark McGrath, Community Development Dir.
Larry Marx, Chief of Police
Sheri Argyle, Court Administrator

Excused: Mayor Janice Auger

BRIEFING SESSION

Chairman Les Matsumura conducted the Briefing Session, which convened at 6:00 p.m. The Council reviewed the Administrative Report, after which the agenda was discussed.

Council Member Russ Wall **MOVED** to meet in Closed Session to discuss the sale of real property at 6:10 p.m. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

CLOSED SESSION

The Closed Session was recorded. The tape is on file and is now a “protected record.”

Council Member Jerry Rechtenbach **MOVED** to adjourn the Closed Session and convene the Regular City Council Meeting at 6:46 p.m. Council Member Bud Catlin **SECONDED** the motion. Chairman Les Matsumura called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

REGULAR MEETING

Attendance:

Council Members:

Chairman Les Matsumura
Vice-Chairman Russ Wall
Council Member Bud Catlin
Council Member Morris Pratt
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Gerry Orr, City Finance Director
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Larry Marx, Chief of Police
Don Adams, Economic Development Director
Sheri Argyle, Court Administrator

Excused: Mayor Janice Auger

Citizens: Suzan Bukovinsky, Roger Clement, Dama Barbour, Sharlene Witt, Blake Schroeder, Carina Elsenboss, Jennifer Walters, Don Berry, Ken Carroll, Katie Larsen, John E. Gidney, Kristie Overson, Jeff Butcher, Mary Bennett, Nicole Valdez, Dan Udall,

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

Chairman Les Matsumura called the meeting to order at 6:48 p.m. and welcomed those in attendance. He then reviewed the Citizen Comment Procedures for the audience.

1.1 Pledge of Allegiance – Opening Ceremonies – *Youth Council Member, Roger Clements*

Youth Council Member Roger Clements directed the Pledge of Allegiance.

1.2 Reverence – *Youth Council Member, Talita De’Alencar* (Opening Ceremonies for December 15, 2004 to be arranged by Council Chair Matsumura)

Youth Council Member Talita De’Alencar offered the Reverence.

1.3 Citizen Comments

18:51:07 Chairman Les Matsumura welcomed Scout Troop 636 and then called for any citizen comments.

18:52:38 Dama Barbour commented on the Redwood Road Corridor Project and the City’s involvement with Wal-Mart. She expressed her concerns in regards to the City providing funding to a project for the benefit of Wal-Mart. She requested an accounting of what is being or will be spent on the project. She then gave an explanation of her understanding of the Redwood Road Project.

18:55:53 City Administrator John Inch Morgan and Community Development Director Mark McGrath responded by describing the Redwood Road Project.

John Inch Morgan further reported on the design of the Redwood Road Project. Input was given by Council Member Wall, with additional clarification provided by Council Member Rechtenbach.

Council Member Russ Wall requested that Mr. Morgan issue a copy to Mrs. Barbour of a letter of intent written to Wal-Mart.

19:05:04 Chairman Matsumura recognized Sue Tran as the Taylorsville Youth Council Chair Counterpart.

1.4 Mayor’s Report

19:05:21 In Mayor Auger’s absence, City Administrator John Inch Morgan introduced Fire Chief Don Berry and asked him to address the City Council.

19:05:45 Don Berry, Fire Chief for the Unified Fire Authority, addressed the City Council and briefly reviewed the formation and history of the UFA. He explained that participating contract cities have been split up a little differently than they originally were. Chief Berry indicated that he will be Taylorsville's direct contact and he will be presenting reports to the City.

19:06:30 Chief Berry stated that he lives in Taylorsville and looks forward to working with the City. He reported that UFA is working well and has turned out to be everything originally hoped for.

19:07:48 City Administrator John Inch Morgan reported that the Marianna Storm Drain Project has been completed. He also relayed that a project to make additional renovations at the Skate Board Park has begun.

2. REPORTS

2.1 Building Inspection – *Pat Tomasino*

19:09:00 Building Inspector Pat Tomasino presented a quarterly report from the Building Department that was provided in the Council Packet.

2.2 Sunrise Engineering/Engineering – *Mark Davidson*

19:11:54 Bob Davis, of Sunrise Engineering, reported on engineering services within the City during the past quarter, as provided in the Council Packet.

John Inch Morgan described the newly created Public Works Inspector position with Taylorsville City that was previously provided by Sunrise Engineering. Mr. Davis responded to questions in that regard.

2.3 Salt Lake County Sheriff's Office – *Capt. Leslee Collins*

19:20:35 Captain Leslee Collins presented a report on law enforcement services within Taylorsville for the first quarter of the fiscal year.

19:26:28 Captain Collins then introduced Lt. Kevin Taylor. Lt. Taylor gave a report regarding the Salt Lake County Drug Enforcement Task Force and Financial Crimes Task Force.

2.4 Salt Lake County Health Department, Regarding Lead Base Paint – *Jennifer Walters*

19:32:37 Jennifer Walters, of the Salt Lake Valley Health Department, gave a presentation on a Lead Safe Housing Program being offered by the Salt Lake Valley Health Department. She explained that the department received a grant and funds are available for remodeling homes through a Lead Safe Housing Program. Ms. Walters made brochures available regarding the program.

19:38:14 Jerry Rechtenbach inquired about the building permit process. Patrick Tomasino provided clarification that the City Building Department does not inspect for lead-based paint, but does provide notification and education to citizens.

19:39:17 Council Member Jerry Rechtenbach then introduced Sharlene Witt as his counterpart on the Taylorsville Youth Council.

3. APPOINTMENTS

3.1 Selection/Steering Committee for Jones Dairy Master Plan – Bruce Wasden, Connie Taney, Jerry Milne, Toni Lenning, Jeffrey Asay, Kristie Overson, Dan Udall, Mayor Auger – *John Inch Morgan*

19:39:52 City Administrator John Inch Morgan presented nominations for individuals to serve on the Selection/Steering Committee for the Jones Dairy Master Plan, as follows: Bruce Wasden, Connie Taney, Jerry Milne, Toni Lenning, Jeffrey Asay, Kristie Overson, Dan Udall, and Mayor Auger.

19:40:44 Morris Pratt asked for clarification that this committee will help select a consultant and then go on to serve as a Steering Committee.

19:42:23 Council Member Morris Pratt **MOVED** to appoint the nominees, as presented, to serve as members of the Selection/Steering Committee for the Jones Dairy Master Plan, with the understanding that the Committee will select the consultant. Council Member Bud Catlin **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. 19:43:06 Council Member Russ Wall asked whether this motion is consistent with the City's ordinance. City Attorney John Brems clarified that the ordinance stipulates that the Mayor has legal authority to select the consultant and that the committee is appointed to give her a recommendation. Mr. Wall stated that he feels it is inappropriate to pass a motion conflicting

with the City ordinance. Chairman Matsumura called for a vote on the motion. The vote was as follows: Matsumura-no, Rechtenbach-no, Catlin-yes, Pratt-yes, Wall-no. **The motion failed.**

Council Member Wall asked for clarification in regards to the Mayor being on the committee when she is the one who will ultimately make the selection for the consultant. He suggested having the committee separate from the individual who will make the selection. Mr. Morgan gave some explanation.

19:45:46 Council Member Bud Catlin **MOVED** to table this matter until the December 15, 2004 City Council Meeting, after additional input is provided by Mayor Auger, who is currently out of town. Council Member Russ Wall **SECONDED** the motion. Discussion was held regarding the potential timetable for selecting a consultant. Mr. Morgan indicated that there is no real time problem, although consultants are anxious to receive an answer on the RFP. Chairman Matsumura called for a vote on this motion. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

4. CONSENT AGENDA

4.1 Minutes – RCCM 11-17-04 and CCWS 11-23-04

19:46:42 Council Member Russ Wall **MOVED** to adopt the Consent Agenda. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

There were no planning matters.

6. FINANCIAL MATTERS

6.1 Public Hearing – 6:30 p.m. – Regarding an Amendment to the Current Year's Budget for the 2004-2005 Fiscal Year in Order to Provide Funding for the Police Department Operational Expenses – *Chief Marx/John Inch Morgan*

Chief of Police Larry Marx presented budget amendments providing for operational expenses for the City Police Department. He called for Council approval so that the new department can move forward.

19:48:16 Chairman Matsumura opened the public hearing on this matter and called for any citizen comments in favor.

19:48:32 Suzan Bukovinsky said that the residents of Taylorsville want to see the current deputies hired into the new Police Department. She predicted a fiasco if the deputies are not hired.

Chairman Matsumura called for citizens speaking in opposition to this matter.

19:49:53 Dama Barbour commended the service provided by the Salt Lake County Sheriff's Department. She said she feels it will be a big mistake to rush into something that may end up not being the best thing for this City. She recommended that the City check into establishing a Unified Police Authority.

Mrs. Barbour also said that she has heard that funding for the Redwood Road Corridor Project has already been dipped into for part of the Police Department funding. She stated that if power lines are not buried, the Redwood Road Project would be a failure.

19:52:22 Ken Carroll, of the Eagle Sentinel, stated that he feels that the Mayor is rushing to the point of no return. He said that he is curious about the early delivery of the police cars.

Chief Larry Marx explained that police cars were ordered in accordance with a set time line in order to equip the cars by March 12, 2005 and in order for officers to be trained with their cars by April 1, 2005. He noted that the cars were ordered with the understanding that they are only produced at certain times. Chief Marx explained that staff was surprised when notification was received that the cars had been manufactured and shipped so quickly.

19:56:44 John Inch Morgan indicated that not all the police cars have been received at this point and some may not arrive until the end of December. He also described the lengthy process that is required to adequately equip the cars. Mr. Morgan also clarified that financing for the Police Department has not been taken from the Redwood Road Project, but rather has come out of the City's Contingency Fund.

There were no further comments and Chairman Matsumura declared the public hearing closed.

**6.1.1 Ordinance No. 04-47 – Amending the Budget for the 2004-2005 Fiscal Year
Providing Funding for the Police Department Operational Expenses**

19:57:16 Council Member Jerry Rechtenbach called for clarification on whether this budget is the same as that which was amended at the November 17, 2004 Council Meeting. City Administrator John Inch Morgan described amendments that have been approved and those that are yet to be approved, including salary and wages for all officers/office staff, recruiting, testing, travel, training, mileage, office equipment, fuel, telephone, etc.

19:59:06 Council Member Bud Catlin referenced Chief Marx's letter and said that it reinforces his concerns about the City moving too fast. He cited a lack of support from individual deputies in putting the department together.

20:00:01 Council Member Russ Wall noted that Mayor Auger has invited Sheriff Kennard and Under Sheriff Carr to the City Council Work Session on December 8, 2004 to review the concept of a Unified Police Authority that is being proposed. Mr. Wall stated that it is very critical that the City have an understanding of that concept before proceeding.

20:00:47 Council Member Bud Catlin noted that Under Sheriff Carr, along with a representative from the Unified Fire Authority and Chief Marx, are scheduled to attend the Public Safety Committee Meeting and engage in discussion on Thursday, December 2, 2004, at 6:00 p.m.

20:01:17 Jerry Rechtenbach clarified that this is essentially the same budget that was proposed on November 17, 2004.

20:01:54 Upon questioning from Mr. Rechtenbach, Chief Marx explained that the budget approval is needed sooner, rather than later, to proceed with the job that he has been asked to do. He suggested that it cannot be ascertained whether deputies are interested in coming over to the Taylorsville City force until the budget is approved and the recruitment process is underway. Chief Marx offered his differing opinion that there are a lot of deputies that will still be motivated to come over. He stated that a Unified Police Authority is a feasible and viable alternative and may ultimately be in the best interest of the city, but noted that going in as a fully staffed department would be a good bargaining tool and would give the City its own identity. Chief Marx cited a need for the City to move in a unified direction.

20:04:03 Council Member Jerry Rechtenbach questioned how approving the budget and allowing the hiring process to commence would damage the City's ability to lean toward a Unified Police Authority. He stated his feeling that the Council is being very cautious and is not

overlooking anything, but is tying the Chief's hands if the budget is not approved so he can move forward.

20:05:24 Council Member Bud Catlin pointed out that he did not personally approve the timeline or the process and still has some concerns.

20:06:10 Council Member Jerry Rechtenbach noted that although Mr. Catlin personally voted against the process, the Council did approve it. He suggested moving ahead.

20:06:44 Council Member Russ Wall made clarification on his earlier comments. He cited some concerns in moving forward with hiring City employees and then having to transfer those employees to another governmental entity. Mr. Wall asserted that although the Council initially approved moving forward with a City Department, things have changed substantially since that time. He suggested taking one more look at alternatives before proceeding.

20:08:04 Council Chairman Les Matsumura said that he voted for moving ahead with the Police Department, but now has concerns over the interest of current deputies.

Chief Marx reiterated that he is unable to act or notify deputies until he has an approved budget to work with.

Mr. Matsumura cited a survey that he conducted with 20 deputies. He stated that his comfort level is not there yet. He suggested that maybe Mayor Auger should talk to the current deputies again.

20:10:39 Council Member Russ Wall **MOVED** to table Ordinance No. 04-47, pending further studies on a Unified Police Authority. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-no, Catlin-yes, Pratt-yes, Wall-yes. **The motion passed with a 4 to 1 vote.**

7. OTHER MATTERS

7.1 Ordinance No. 04-49 – Amending Title 2 Chapter 2.28, Employee Appeal Board to the Taylorsville Code of Ordinances – John Brems

20:11:50 City Attorney John Brems gave a presentation regarding potential amendments to Title 2 Chapter 2.28 on the Employee Appeal Board in the City Code of Ordinances. He noted that the matter does not necessarily require action at this time. Mr. Brems gave some background on

employee appeal rights, citing a new statute that is in place. He called for questions or comments from the Council.

20:14:14 Council Member Russ Wall stated reasons that he thinks the existing ordinance is more appropriate. He cited concerns over the proposed appeal panel. Mr. Brems stated that the requirements of the new statute are clear, but noted that a different proposal for an appeal panel can be drafted. Discussion was held regarding the existing appeal process and the appeal panel.

20:20:21 Mr. Brems described the difference between employee grievances and employee appeals. Council Member Russ Wall inquired about specifics within the proposed draft of the Personnel Policies and Procedures Manual for Taylorsville. Mr. Brems provided clarification.

20:23:06 Council Member Bud Catlin stated that he only received the draft for the Personnel policies today and would now like time to review them. City Administrator John Inch Morgan explained that the drafts were provided today at Council Member Pratt's request and for informational purposes only. He clarified that the Personnel Manual was not being presented for Council approval. It was noted that the Council is not required to approve the City Personnel Manual.

20:23:51 Mr. Brems recommended that the amendments to the Employee Appeal Board and the new Personnel Policies and Procedures Manual be put into effect at about the same time.

20:25:01 Council Member Russ Wall **MOVED** to table Ordinance No. 04-49 indefinitely. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.**

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

20:25:38 Council Member Bud Catlin initiated discussion regarding the Redwood Road Corridor Project. He relayed that he recently met with Mayor Auger and discovered that she has a differing interpretation of what the project consists of. Mr. Catlin described his understanding that the Redwood Project includes those areas in the right-of-way on Redwood Road. He said that the Mayor is also including 1500 West as part of the project. He asked that this matter be placed on the December 15, 2004 City Council Meeting, in order to clarify what is contained in the Redwood Project. The Council agreed to do so.

20:28:10 Morris Pratt referenced a letter the Council recently received from the Naming Committee for the Jones Dairy. He inquired whether the Council would like to discuss this matter any further. Mr. Pratt noted that the name cannot be decided upon until after December 9, 2004, but called for a decision from the City Council at the December 15th Council Meeting. Council Coordinator Robin Kishiyama was directed to place this matter on the agenda for the December 15, 2004 meeting.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

20:29:18

- 9.1 City Work Session – Wednesday, December 8, 2004 – 6:00 p.m.
- 9.2 City Council Briefing Session – Wednesday, December 15, 2004 – 6:00 p.m.
- 9.3 City Council Meeting – Wednesday, December 15, 2004 – 6:30 p.m.
- 9.4 City Council Briefing Session – Wednesday, January 5, 2004 – 6:00 p.m.
- 9.5 City Council Meeting – Wednesday, January 5, 2004 – 6:30 p.m.

10. CALENDAR OF UPCOMING EVENTS

- 10.1 Saturday with Santa, Saturday, December 4 – 12:00 p.m. – Wal-Mart (5469 S. Redwood), 1:00 – Harmon's 5454 S. Redwood), 2:00 – Kmart (3835 W. 5400 S.), 3:00 – Historic Museum (1488 West 4800 South)

20:30:12 Council Member Morris Pratt reminded the City Council of a Ribbon Cutting for the Historic Museum on Saturday, December 4, 2004.

11. ADJOURNMENT

20:30:38 Council Member Bud Catlin **MOVED** to adjourn the City Council Meeting. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion. There being none, he called for a vote. The vote was as follows: The vote was as follows: Matsumura-yes, Rechtenbach-yes, Catlin-yes, Pratt-yes, Wall-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 8:30 p.m.

Virginia Loader, City Recorder

Minutes approved: CC 12-15-04